

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ALBERT MCCULLOUGH,

Plaintiff,

v.

LARRY SPATHELF AND JASON
WESTGATE,

Defendants.

NO. 3:17-cv-1856

(JUDGE CAPUTO)

ORDER

NOW, this 12th day of April, 2018, **IT IS HEREBY ORDERED** that Defendants' Motions to Dismiss (Docs. 9 and 14) are **GRANTED in part and DENIED in part** as follows:

- (A) Plaintiff's Fourteenth Amendment substantive due process claim (Count I) is **DISMISSED with prejudice**;
- (B) Plaintiff's claim for false arrest under 42 U.S.C. § 1983 (Count II, in part) is **DISMISSED with prejudice**; and
- (C) Defendants' Motions to Dismiss are **DENIED** in all other respects.

/s/ A. Richard Caputo
A. Richard Caputo
United States District Judge